

IN THE DRAWINGS:

Please add new drawing Figures 5a and 5b as shown in the sheet of drawings appended to this Amendment. No new matter has been added

REMARKS

The specification has been amended to reference new drawing Figures 5a and 5b, including the insertion of new paragraphs [0035a] and [0043]. Existing paragraphs [0034] and [0035] have been amended to correspond to the addition of new paragraph [0035a].

New Figures 5a and 5b have been added to the drawings to schematically illustrate use of a protease detection apparatus according to one disclosed aspect of the present invention.

Claim 29 has been amended to further distinguish the present invention from the reference as applied in the Final rejection of claims 29 through 31.

The above amendments are supported at least by paragraphs [0007], [0009], [0010], [0012], [0013], [0016], [0019], [0026], [0029], [0039], [0040] and [0041] of the as-filed specification (as amended by Preliminary Amendment to insert paragraph numbers therein) and FIGS. 3 and 4 of the as-filed drawings. No new matter has been added.

The Final Office Action mailed December 28, 2004, has been received and reviewed. Claims 1 through 31 are currently pending in the application. Claims 1 through 28 are allowed. Claims 29 through 31 stand rejected. Applicant has amended claim 29, and respectfully requests reconsideration of the application as proposed to be amended herein.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 5,766,933 to El Shami et al.

Claims 29 through 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by El Shami et al. (U.S. Patent No. 5,766,933). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that claim 29, as presently amended to emphasize the structural distinctions of the present invention, and claims 30 and 31 depending therefrom, are

not anticipated by the El Shami reference, as the reference fails to describe each and every element of the present invention.

The reference relates to a method of measuring analytes in biological fluids. A specific binder for a given analyte is immobilized on a solid support, and then reacted with a labeled analyte to form a binder-labeled analyte complex. When exposed to a sample, any “free” analyte competes via an equilibrium reaction with labeled analyte, displacing labeled analyte in proportion to the initial concentration of the “free” analyte.

Claim 29 has been amended to clarify that the claimed substrate has immobilized thereon proteins or peptides, and not labeled analyte (i.e., protease). Furthermore, and as recited in claim 29, the proteins or peptides immobilized on the substrate are configured to produce mobile breakdown components labeled with the chromogenic substance, rather than mobilizing the labeled proteins or peptides themselves. Thus, the apparatus recited in claims 29-31 is configured to be chemically altered during determination of allergen levels. Advantageously, the apparatus as claimed need not be analyte-specific in the same sense as the apparatus described in the reference.

Reconsideration and withdrawal of the rejection of claims 29 through 31 is respectfully solicited.

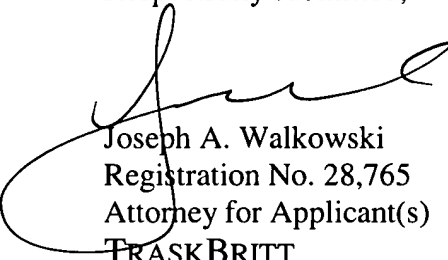
ENTRY OF AMENDMENTS

The amendments to the specification, to the drawings and to claim 29 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application.

CONCLUSION

Claims 1 through 31 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Respectfully submitted,



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Date: May 27, 2005
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Appendix: New sheet of drawings (added FIGS. 5a and 5b)

Document in ProLaw